

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by incorporating the subject matter of Claims 3 and 8, and that part of Claim 6 limited to formula (3) for  $R^4$ , therein. Claims 3, 6 and 8 have been canceled. Claim 4 has been amended by deleting “based.” Claim 15 has been amended to depend on Claim 1. Claim 16 has been amended by incorporating the subject matter of Claim 17 therein; Claim 17 has been canceled.

No new matter is believed to have been added by the above amendment. With entry thereof, Claims 1, 2, 4, 5, 7, 9-16 and 18-20 will be pending in the application.

REMARKS

The rejection of Claims 1-14 and 16-19 under 35 U.S.C. § 102(e) as anticipated by WO 03/066007 (Marchioretto et al), is respectfully traversed. **Submitted herewith** is a certified English translation of Applicants' priority application JP 2002-232733, filed August 9, 2002. Marchioretto et al has an international filing date of January 31, 2003. The Examiner is respectfully requested to find that Applicants are entitled to their foreign priority date under 35 U.S.C. § 119. Marchioretto et al is thus removed as prior art herein. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1, 2, 4-10, 12-14 and 16-19 under 35 U.S.C. § 103(a) as unpatentable over US 5,855,625 (Maurer et al) in view of US 6,171,515 (Evans et al), is respectfully traversed. All of the above-amended claims contain the limitations of Claim 3, not subject to this rejection. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-9 and 11-19 under 35 U.S.C. § 103(a) as unpatentable over US 6,506,261 (Man) in view of Evans et al, is respectfully traversed. Man discloses detergent compositions for removing complex organic or greasy soils from hard surfaces, such as laundry. Evans et al discloses a fiber treatment composition containing a particular silicone derivative, described as applicable to fibers during the making of the fibers, during making of fabric from the fibers, or later, such as during laundering the fabric (column 7, lines 55-57).

The Examiner holds that it would have been obvious to employ the silicone derivative of Evans et al in the laundry detergent composition of Man.

In reply, while Man discloses broadly a pH range of from 2.0 to approximately 13.0 (column 13, line 24ff), it is clear that the actual useful range disclosed depends on the ultimate use of his composition. For laundry, the pH is "somewhat alkaline and can range

from 7.5 and greater” (column 13, lines 29-31). Thus, even if one skilled in the art were to combine Evans et al’s fiber treatment composition, or their particular silicone derivative, with Man for use as a laundry detergent (although Applicants continue to maintain that one would not do so, for reasons previously advanced), one would maintain a pH of at least 7.5. The above-amended claims, on the other hand, require a pH at 25°C of 4.5 or less when diluted to 20 times the weight with water.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-19 under 35 U.S.C. § 103(a) as unpatentable over US 5,137,715 (Hoshowski et al) in view of Marchioretto et al, is respectfully traversed. Hoshowski et al is drawn to a hair shampoo-conditioner composition containing an alkyl sulfate or alkyl ether sulfate anionic surfactant, and a particular polymeric conditioning compound (column 1, line 7ff). Hoshowski et al discloses the addition of various acids to adjust pH (column 13, line 40ff). However, as acknowledged by the Examiner, Hoshowski et al does not disclose a silicone derivative of the type recited in the present claims. The Examiner thus relies on Marchioretto et al. However, as discussed above, Marchioretto et al is not prior art herein. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejection of Claim 4 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Applicants submit that the previous terms “type” and “based” would be understood to mean that the recited anionic surfactant has sulfate, sulfonate and/or carboxylate groups. Nevertheless, the rejection would now appear to be moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejection of Claims 4 and 16-19 under 35 U.S.C. § 112, first paragraph, is respectfully traversed. Indeed, the rejection would now appear to be moot in view of the

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above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Customer Number

**22850**

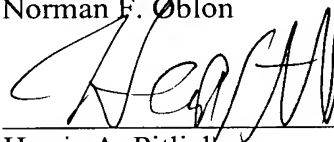
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Respectfully submitted,

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Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Hearst' or similar, written over a horizontal line.

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